

# Exhibit K

District Judge Lauren King

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

Defendants.

CASE NO. 2:25-cv-00244-LJK

DEFENDANTS' OBJECTIONS AND  
RESPONSES TO STATE OF  
WASHINGTON'S SUBPOENA  
PURSUANT TO RULE 45 TO  
MICHELLE BULLS FOR DOCUMENTS  
AND TESTIMONY

**DEFENDANTS' OBJECTIONS AND RESPONSES TO STATE OF WASHINGTON'S  
SUBPOENA PURSUANT TO RULE 45 TO MICHELLE BULLS FOR DOCUMENTS AND  
TESTIMONY**

Pursuant to Fed. R. Civ. P. 45, Defendants hereby provide objections to Plaintiffs' subpoena to Michelle Bulls for the production of documents and testimony. Defendants reserve the right to assert additional objections as appropriate and to amend or supplement these objections in accordance with the applicable rules and orders on discovery during the course of this action.

**GENERAL OBJECTIONS**

1. Defendants object to Plaintiffs' subpoena for documents and testimony ("Subpoena") on the ground that the time provided to produce the requested records is unreasonable. *See* Fed. R.

Defs.' Objs. & Resps. To State of Wash.'s Subpoena Pursuant to Rule 45  
To Michelle Bulls for Documents and Testimony  
2:25-cv-00244-LK - 1

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202-305-0845

Civ. P. 45(d)(3)(A)(i). The amended subpoena provided 15 days for compliance from receipt of the original subpoena. Requiring Defendants to identify, collect, and prepare records responsive to Plaintiffs' subpoena for production, and directing Defendants to respond by April 3rd is unreasonable. Moreover, Plaintiffs "may not avoid the limitations and requirements of Fed. R. Civ. P. 34 by demanding that a party produce documents at a deposition scheduled less than thirty days in the future." *Bank of Am. v. Travelers Indemn. Co.*, 2009 WL 529235, at \*1 (W.D. Wash. Mar. 2, 2009). Nor may Plaintiffs use Rule 45 to make an end run around the requirements of Rule 34. *E.g.*, *MGA Ent., Inc. v. Nat'l Prods., Ltd.*, 2011 WL 13130181, at \*3 (C.D. Cal. Dec. 16, 2011) (party could not use Rule 45 to "circumvent the document discovery procedures provided by Rule 34" (quotation omitted)); *Singleton v. Jupiter Communities, LLC*, 2014 WL 251659, at \*3 (D. Nev. Jan. 22, 2014) ("The purpose of Rule 45 is generally to allow counsel to compel someone who is not a party to appear for a deposition and/or produce documents. The documents Plaintiff seeks are clearly Defendant's documents, not those of the non party witness, and Rule 45 is not the proper procedure to seek discovery more appropriately subject to a Rule 34 request.").

2. Defendants object to the subpoena to the extent it was served pursuant to the Court's prior grant of expedited discovery relating to Plaintiffs' motion for contempt, which was based on NIH's termination of NIH Grant No. 5R21HD107311. *See* Order Denying Plaintiffs' Motion for Contempt and Attorney's Fees and Granting Plaintiffs' Motion for Expedited Discovery, ECF No. 258. That grant has been reinstated, and therefore any such expedited discovery, and any discovery relating to the contempt issues Plaintiffs previously raised, is moot.

### **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. Defendants object to Definitions 1 and 2, to the extent they seek to impose upon Defendants obligations that are inconsistent with or greater than obligations imposed by Federal

Defs.' Objs. & Resps. To State of Wash.'s Subpoena Pursuant to Rule 45  
To Michelle Bulls for Documents and Testimony  
2:25-cv-00244-LK - 2

U.S. DEPARTMENT OF JUSTICE  
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202-305-0845

Rules of Civil Procedure 26, 34, and 45.

**SPECIFIC OBJECTIONS TO REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** All drafts in your possession, custody, or control of the following documents, included as an Exhibit to the Declaration of Kym Ahrens (Dkt. #244) and William McGinty (Dkt. #245); Ahrens Decl., Exs. A-B (Dkt. 244-1, 244-2), and McGinty Decl., Ex. 6 (Dkt. #245-6).

**OBJECTIONS TO REQUEST NO. 1:** Defendants object to this request because it seeks documents covered by the deliberative process privilege, and insofar as it seeks documents covered by attorney-client, work product, or any other privilege.

Defendants further object to this request insofar as it seeks information not relevant to the claims and defenses in this case.

**RESPONSE TO REQUEST NO. 1:** Consistent with Defendants' objections, Defendants will not produce documents in response to this request.

**REQUEST NO. 2:** All drafts in your possession, custody, or control of the document titled "Staff Guidance – Award Alignment with Agency Priorities – March 2025" referenced in Exhibit 5 of the declaration of William McGinty (Dkt. #245-5).

**OBJECTIONS TO REQUEST NO. 2:** Defendants object to this request because it seeks documents covered by the deliberative process privilege, and insofar as it seeks documents covered by attorney-client, work product, or any other privilege.

Defendants further object to this request insofar as it seeks information not relevant to the claims and defenses in this case.

**RESPONSE TO REQUEST NO. 2:** Consistent with Defendants' objections, Defendants will not produce documents in response to this request.

**REQUEST NO. 3:** All communications made to or by you related to the documents in Requests for Production 1 and 2.

1       **OBJECTIONS TO REQUEST NO. 3:** Defendants object to this request insofar as it seeks  
2 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

3       Defendants further object to this request insofar as it seeks information not relevant to the  
4 claims and defenses in this case.

5       Defendants further object to this request to the extent it seeks information that is not in Ms.  
6 Bulls' possession, custody, or control.

7       **RESPONSE TO REQUEST NO. 3:** Consistent with Defendants' objections, Defendants  
8 will not produce documents in response to this request.

9       **REQUEST NO. 4:** All documents in your possession, custody, or control, including  
10 communications made to or by you, related to the termination of NIH Grant No. 5R21HD107311.

11       **OBJECTIONS TO REQUEST NO. 4:** Defendants object to this request insofar as it seeks  
12 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

13       Defendants further object to this request insofar as it seeks information not relevant to the  
14 claims and defenses in this case.

15       **RESPONSE TO REQUEST NO. 4:** Consistent with Defendants' objections, Defendants  
16 will not produce documents in response to this request.

17       **REQUEST NO. 5:** All documents in your possession, custody, or control related to NIH's  
18 claims that "Research programs based on gender identity are often unscientific, have little  
19 identifiable return on investment, and do nothing to enhance the health of many Americans. Many  
20 such studies ignore, rather than seriously examine, biological realities." Ahrens Decl., Ex. A (Dkt.  
21 #244-1).

22       **OBJECTIONS TO REQUEST NO. 5:** Defendants object to this request insofar as it seeks  
23 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

24       Defendants further object to this request insofar as it seeks information not relevant to the  
claims and defenses in this case.

1       **RESPONSE TO REQUEST NO. 5:** Consistent with Defendants’ objections, Defendants  
2 will not produce documents in response to this request.

3       **REQUEST NO. 6:** All documents in your possession, custody or control related to NIH’s  
4 claim that “It is the policy of NIH not to prioritize these research programs.” Ahrens Decl., Ex. A  
(Dkt. #244-1).

5       **OBJECTIONS TO REQUEST NO. 6:** Defendants object to this request insofar as it seeks  
6 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

7       Defendants further object to this request insofar as it seeks information not relevant to the  
8 claims and defenses in this case.

9       **RESPONSE TO REQUEST NO. 6:** Consistent with Defendants’ objections, Defendants  
10 will not produce documents in response to this request.

11       **REQUEST NO. 7:** All documents in your possession, custody, or control related to NIH’s  
12 claims that “This award related to Transgender issues no longer effectuates agency priorities.”  
Ahrens Decl., Ex. B (Dkt. #244-2).

13       **OBJECTIONS TO REQUEST NO. 7:** Defendants object to this request insofar as it seeks  
14 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

15       Defendants further object to this request as duplicative of Request No. 4.

16       Defendants further object to this request insofar as it seeks information not relevant to the  
17 claims and defenses in this case.

18       **RESPONSE TO REQUEST NO. 7:** Consistent with Defendants’ objections, Defendants  
19 will not produce documents in response to this request.

20       **REQUEST NO. 8:** All documents in your possession, custody, or control that include  
21 descriptions of policies, procedures, or guidance regarding termination of NIH grants dated between  
January 20, 2025 and March 6, 2025.

22       **OBJECTIONS TO REQUEST NO. 8:** Defendants object to this request insofar as it seeks  
23 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

24       Defs.’ Objs. & Resps. To State of Wash.’s Subpoena Pursuant to Rule 45  
To Michelle Bulls for Documents and Testimony  
2:25-cv-00244-LK - 5

U.S. DEPARTMENT OF JUSTICE  
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1 Defendants further object to this request insofar as it seeks information not relevant to the  
2 claims and defenses in this case.

3 **RESPONSE TO REQUEST NO. 8:** Consistent with Defendants' objections, Defendants  
4 will not produce documents in response to this request.

5 **REQUEST NO. 9:** All documents in your possession, custody, or control, including  
6 communications, policy statements or guidance documents related to or referencing Executive Order  
7 14,168, titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth  
8 to the Federal Government," or Executive Order 14,187, titled "Protecting Children from Chemical  
and Surgical Mutilation."

9 **OBJECTIONS TO REQUEST NO. 9:** Defendants object to this request insofar as it seeks  
10 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

11 Defendants further object to this request because it is overbroad, unduly burdensome, and  
12 seeks documents not relevant to the claims and defenses in this case, including in that it seeks  
13 documents "related to or referencing" aspects of the referenced Executive Orders not at issue in  
14 Plaintiffs' Amended Complaint.

15 **RESPONSE TO REQUEST NO. 9:** Consistent with Defendants' objections, Defendants  
16 will not produce documents in response to this request.

17 **REQUEST NO. 10:** All communications between you and any person(s) affiliated with the  
18 Department of Government Efficiency, related to NIH grant funding.

19 **OBJECTIONS TO REQUEST NO. 10:** Defendants object to this request insofar as it  
20 seeks documents covered by the deliberative process, attorney-client, work product, or any other  
21 privilege.

22 Defendants further object to this request on the ground that the term "any person affiliated  
23

1 with the Department of Government Efficiency” is vague and ambiguous and to the extent it  
2 imposes a requirement on the responding party to undertake a review of information and make  
3 determinations that are not apparent on the face of the documents being requested.

4 Defendants further object to this request insofar as it seeks information not relevant to the  
5 claims and defenses in this case.

6 Defendants further object to this request to the extent it seeks information that is not in Ms.  
7 Bulls’ possession, custody, or control.

8 Defendants further object to this request to the extent it is duplicative of Request Nos. 1–9.

9 **RESPONSE TO REQUEST NO. 10:** Consistent with Defendants’ objections, Defendants  
10 will not produce documents in response to this request.

11 **REQUEST NO. 11:** A copy of your current CV and/or resume.

12 **OBJECTIONS TO REQUEST NO. 11:** Defendants object to this request because it seeks  
13 information not relevant to the claims and defenses in this case.

14 **RESPONSE TO REQUEST NO. 11:** Defendants produced a copy of Ms. Bulls’ subpoena  
15 at her deposition on April 3, 2025.



1 DATED this 18th day of April, 2025.

2 Respectfully submitted,

3 YAAKOV M. ROTH  
4 Acting Assistant Attorney General  
Civil Division

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6 Assistant Branch Director

7 /s/ Christian S. Daniel

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